

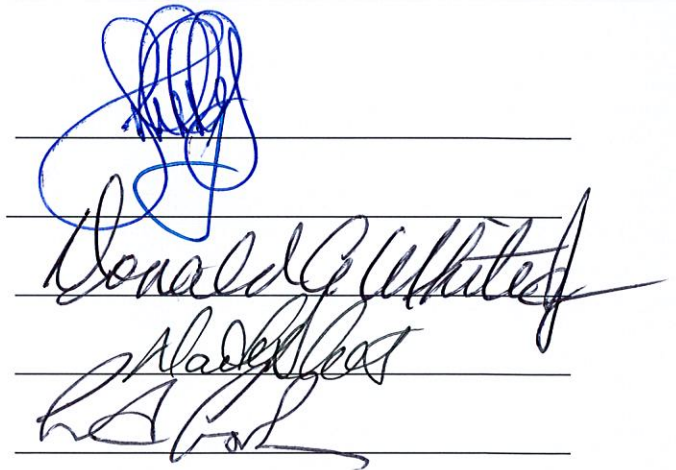
**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED  
ORDINANCE**  
**[30-A M.R.S.A. § 3002(2)]**

To Katrina Oakes, Clerk:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "November 15 Amendments to the Town of Camden Subdivision Ordinance," which is to be presented to the voters for their consideration at a secret ballot referendum to be held on November 3, 2015.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 1, 2015

The image shows three handwritten signatures in blue ink, each written over a horizontal line. The top signature is a large, stylized scribble. The middle signature is written in cursive and appears to read "Donald G. White". The bottom signature is also in cursive and appears to read "Mark [unclear]".

Town of Camden Select Board

## **November 2015 Amendments to the Town of Camden Subdivision Ordinance**

The definitions of “Dwelling Unit” and “Multifamily Development” as located in Article 3, Section 2 are hereby amended as follows (new language is shown as underlined):

**Dwelling Unit:** A room or group of rooms within a dwelling, designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, bathing and cooking. Individual units within a Congregate Housing Facility as defined by the Zoning Ordinance shall be considered dwelling units.

**Multifamily Development:** A subdivision that contains three (3) or more dwelling units on land in common ownership, such as apartment buildings, congregate housing, condominiums, or mobile home parks.

# SUBDIVISION ORDINANCE

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**ARTICLE 1 - PURPOSE{ TC \1 "ARTICLE 1 -  
PURPOSES}**

The purposes of this Subdivision Ordinance are:

1. To provide for the expeditious, equitable, and efficient review of proposed subdivisions.
2. To establish standards for the application of the approval criteria of the State Subdivision Law, found in Title 30-A M.R.S.A. §4401 et seq.
3. To ensure that development in the Town of Camden meet the goals and conform to the policies of the adopted Comprehensive Plan.
4. To ensure the safety, health, welfare, comfort and convenience of the people of the Town of Camden and to prevent an undue burden on municipal facilities.
5. To protect the environment and conserve the natural and cultural resources of the Town.
6. To minimize potential impacts from new subdivisions on neighboring properties and on the municipality.
7. To ensure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.

**ARTICLE 2 - AUTHORITY AND ADMINISTRATION{ TC \11  
"ARTICLE 2 - AUTHORITY AND ADMINISTRATION}**

**Section 1. Authority**

{ TC \12 "2.1 Authority}

A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A. §440[DL1]1 et seq.

B. This ordinance shall be known and may be cited as the "Subdivision Ordinance of the Town of Camden, Maine.

**Section 2. Administration**

{ TC \12 "2.2 Administration}

A. The Planning Board of the Town of Camden, hereinafter called the Board, shall administer this ordinance.

B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivisions within the boundaries of the Town of Camden.

C. All submissions shall meet the requirements of the "General Procedure for Planning Board Applications", as may be amended from time to time. (Appendix M).

D. Subdivision application fees shall be paid according to the fee schedule approved annually by the Town of Camden Select Board.

**Section 3. Amendments**

{ TC \12 "2.3 Amendments}

This ordinance may be amended by vote of the legislative body of the Town of Camden.

**Section 4. Repeal of Prior Ordinance**

{ TC \12 "2.4 Repeal of Prior Ordinance}

Upon adoption of this Ordinance, any prior Subdivision Ordinance (including amendments) is repealed.

**Section 5. Effective Date**

The Subdivision Ordinance herein shall be in full force and in effect seven days following the date of approval of this Ordinance by the legislative body of the Town of Camden. Developers for subdivision approval who have filed applications prior to the effective date of this Subdivision Ordinance shall be governed by the terms of the previously-enacted Subdivision Ordinance only in the event that the Planning Board had determined, by a majority vote, that the application for preliminary plan, as set forth in Article VI, was found to be complete prior to the effective date of this ordinance and any amendments thereto, unless the Developer elects in writing, to the Planning Board to be governed by the terms of this Subdivision Ordinance.

## ARTICLE 3 - DEFINITIONS{ TC \11 " ARTICLE 3 - DEFINITIONS}

### Section 1. Meaning of Words{ TC \12 "3.1 Meaning of Words}.

Words and terms used in this ordinance shall have the meanings set forth in Section 2 below. Words and terms, which are not defined in Section 2 but are defined in the Zoning Ordinance of the Town of Camden, Maine, shall have the meanings set forth in the Zoning Ordinance. Words and terms, which are not defined in either Section 2 or in the Zoning Ordinance, shall have their customary dictionary meanings. Where the definitions set forth in Section 2 of this ordinance include regulations, restrictions, limitations, prohibitions, criteria, or standards, the definitions constitute enforceable requirements of this ordinance.

### Section 2. Definitions.

**Abutter:** Any contiguous tract or parcel that touches the subdivision tract or parcel at some point and any tract or parcel that is located directly across the street.

**Average Daily Traffic (ADT):** The average number of vehicles per day that enter or exit the premises or travel over a specific section of road.

**Board:** The Planning Board of the Town of Camden.

**Buffer Area:** Property that is not built upon and is specifically intended to separate and minimize the effects of a land-use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent areas.

**Capital Improvements Program (CIP):** The municipality's proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

**Clear Zone:** An area used for snow plowing, pedestrians and occasional parking that serves the function of a shoulder but does not require a base above the natural topography.

**CEO:** Code Enforcement Officer of the Town of Camden.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all information required by these regulations, (unless submission requirements have been waived by a vote of the Board). The Town Planner/CEO shall issue a written statement to the developer upon the determination that an application is complete.

**Comprehensive Plan:** The Town of Camden Comprehensive Plan adopted by the voters, as amended.



**Conceptual Sketch Plan:** A plan showing the major features of the site and the preliminary, generalized layout of proposed roads, lots, locations of suitable septic sites if applicable, required open space and other improvements.

**Context Sensitive Design:** An approach to ensure that roads are in harmony with the natural, social, economic, and cultural environment.

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Developer:** The person, corporation or its representative applying for subdivision approval under these regulations.

**Direct Watershed of a Great Pond:** That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the developer shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the developer can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the developer to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

**Disturbed Area:** All land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance.

**Driveway:** A vehicular access way serving no more than two lots.

**Dwelling Unit:** A room or group of rooms within a dwelling, designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, bathing and cooking. **Individual units within a Congregate Housing Facility as defined by the Zoning Ordinance shall be considered dwelling units.**

**Engineered Subsurface Wastewater Disposal System:** A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of two thousand (2,000) gallons of wastewater or more per day or any system designed to be capable of treating wastewater with higher BOD (Biochemical Oxygen Demand) and total suspended solids concentrations than domestic wastewater.

**Final Plan:** The final drawings on which the developer's plan of subdivision is presented to the Board for approval.



**Forested Wetland:** A freshwater wetland dominated by woody vegetation that is six (6) meters (19 ½ feet) tall or taller.

**Frontage:** The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage shall be measured:

- 1) a way accepted by or established as belonging to the Town of Camden, Knox County, or the State of Maine, provided access is not specifically prohibited;
- 2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
- 3) a private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a registry of deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot bordering upon more than one way as defined above, the measurement of frontage shall include the entire length of the property line along such way or ways. Minimum street frontage shall mean continuous frontage.

**Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, published by the National Academy of Sciences, Transportation Research Board, 1991. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

**Multifamily Development:** A subdivision that contains three (3) or more dwelling units on land in common ownership, such as apartment buildings, **congregate housing**, condominiums, or mobile home parks.

**100-Year Flood:** The highest level of flooding that, on the average, has a one percent (1%) chance of occurring in any given year.

**Open Space Residential Development:** A form of housing development which allows the developer flexibility in subdivision and housing design, including use of single family detached or attached, two-family, and/or multifamily dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with the provisions of the Town of Camden Zoning Ordinance, Article IX, Open Space Zoning, of this Ordinance. All open space residential developments shall be subject to subdivision regulations and approval.

**Planner/CEO:** The staff person responsible for the direction of the Planning Department, his/her designee, or other person designated by the Town Manager to be responsible for development review.

**Preliminary Plan:** The preliminary drawings showing the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Professional Engineer:** A professional engineer, registered in the State of Maine.

**Public Road:** A Town Accepted Road.

**Public Water System:** A water-supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for at least thirty (30) days a year. Examples include water districts, mobile home parks, campgrounds, restaurants, apartment buildings, and hotels.

**Recording Plan:** An original of the final plan, suitable for recording at the Registry of Deeds that shows only information relevant to the transfer of an interest in the property including property lines with dimensions, easements, wetlands, and the location of test pits, as well as documentation of any waivers, conditions of approval, or other pertinent notes. The recording plan shall not show other information presented on the subdivision plans such as topography, grading, sewer and water line locations and sizes, culverts, and building lines.

**Reserve Strip:** A narrow strip of land between an existing and proposed street and other property, which can be used to limit access to the street by others.

**Reserved for Road Realignment:** A strip of land along an existing road that is reserved for future realignment or widening of that road.

**Shoulder:** The sides of a roadway that extend beyond the travel surface with a base above the natural topography, often used by pedestrians and for parking.

**Sight Distance:** The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in an access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 4¼ feet above the pavement.

**Storm Water Best Management Practices (BMP's):** Methods, techniques, designs, practices, and other means to control the quality and quantity of storm water that are approved by the Maine Department of Environmental Protection. Storm Water BMP's are identified in "Storm Water Management in Maine: Best Management Practices" which is published periodically by the Maine Department of Environmental Protection.

**Street:** Public and private roads such as alleys, avenues, highways and other right-of-ways as well as areas on subdivision plans designated as right-of-ways for vehicular access other than driveways.

**Street Classification:**

**Arterial Street:** A street which serves as a major traffic way for travel between and through the municipality.

**Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

**Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Minor Residential Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Road:** A street that has not been, or is not intended to be accepted by the Town of Camden as a public road.

**Street Stub:** An area reserved for the future extension of a dead end street or cul-de-sac to the property line of the parcel being subdivided for the purpose of connecting internal subdivision roads on adjacent parcels.

**Subdivision:** The division of a tract or parcel of land into three (3) or more lots within any five-year period, that begins after September 23, 1971, as defined by Title 30A §4401, et. seq. as amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

**Subdivision, Major:** A subdivision that does not meet the definition of Subdivision, Minor.

**Subdivision, Minor:** A subdivision, that is not located in the Rural-1, Rural-2 or Coastal Residential Districts, that does not propose the construction of a new road and that meets the following conditions:

- 1) five or fewer lots or units fronting on an existing town accepted road which is not served by public sewer and water; or
- 2) ten or fewer lots fronting on an existing town accepted road which is served by public sewer and water; or
- 3) fifteen or fewer units in a building or buildings fronting on an existing Town accepted road, which is served by public sewer and water.

**Town Accepted Road:** A road that has been accepted by the voters of the Town of Camden.

**Town Engineer:** Any registered professional engineer hired or retained by the Town, either as staff or on a consulting basis.

**Tract or Parcel of Land:** As defined by 30-A M.R.S.A. §4401, as such may be amended from time to time.

**Zoning Ordinance:** The Zoning Ordinance of the Town of Camden, Maine, as such may be amended from time to time.

## **ARTICLE 4 – PREAPPLICATION REVIEW– MINOR OR MAJOR**

### **Section 1. Purpose**

The purpose of the preapplication review process is to provide an opportunity for the developer to explain the proposed plan. The review also allows for comments from the Board that could be helpful to the developer, prior to the expenditure of substantial sums of money on surveying and engineering.

### **Section 2. Preapplication Meeting**

Nine copies of the Preapplication shall be submitted with the appropriate fee at least 22 days prior to the Planning Board meeting at which the developer wishes to be heard. A location map, site inventory map, site analysis and conceptual sketch plan, satisfying the submission requirements in Appendix A, shall accompany the application. The conceptual sketch plan does not require surveying or engineering but shall show, in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The conceptual sketch plan shall also show, in a general manner, site conditions such as steep slopes, wet areas and vegetative cover. Following a presentation of the Site Inventory and Conceptual Sketch Plan by the developer, the Board shall determine if the application is complete.

### **Section 3. Submission of Waiver Requests**

Requests for waivers of submission requirements shall be submitted with the Preapplication. Requests for waivers of design guidelines shall be submitted prior to final approval.

### **Section 4. Site Walk**

The Board shall schedule a site walk within 14 days, to be attended by the developer and the Board. The developer shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the site walk. The Board shall determine the contour interval for the final plan at the conclusion of the site walk. Site walks shall not be held when there is more than one foot of snow on the ground.

### **Section 5. Public Informational Meeting**

The public informational meeting shall be held following the initial presentation by the developer and shall be held the same night or within 30 days, at the option of the developer. The meeting provides an opportunity to explain the project to abutters and to answer questions outside the formal review process. The meeting may produce useful information for the developer through local knowledge and may provide an opportunity to address issues and concerns prior to formal Planning Board review. Notice shall be sent by the Town via certified mail, return receipt requested, to all abutters, notifying them of the date, time and place of the meeting.

**Section 6. Prohibition of Site Activity During Review**

Filling, excavating grading, or grubbing are prohibited on the site of a proposed subdivision until final plan approval has been granted.

**Section 7. Preapplication Determinations**

At the conclusion of the Preapplication Review, the Planning Board will have determined the following, for either a minor or major subdivision:

1. Contour intervals
2. Additional submissions
3. Date of the site walk
4. Whether the Board wishes to hire an outside consultant
5. Date of the public hearing
6. Waivers

For minor subdivisions, the Board will also have determined:

7. Any issues relating to approval criteria that should be considered in preparation of the Final Plan.

## **ARTICLE 5 - MINOR SUBDIVISION FINAL PLAN REVIEW**

### **Section 1. Purpose**

The purpose of the Final Plan Review is to determine whether the proposed subdivision meets the standards of Article 8 and Title 30-A, MRSA, Section 4401 et. seq.

### **Section 2. Final Plan Submission**

Nine copies of a Final Plan application with the appropriate fee shall be submitted at least 15 days prior to the Planning Board meeting at which the developer wishes to be heard. The application shall be accompanied by a Final Plan satisfying the submission requirements in Appendix B. In addition, the Planning Board may require any of the submission requirements for a Major Subdivision Final Plan, upon an affirmative vote of at least three members of the Board.

### **Section 3. Final Plan Review**

The developer shall attend the meeting of the Board to present the Final Plan. Failure to attend the meeting shall cause the Board to postpone any action until the next meeting at which the developer is placed on the agenda and attends. At the meeting, the Board shall determine whether the application is complete. If the application is not complete, the Board shall notify the developer in writing of the specific additional material needed to complete the application.

### **Section 4. Public Hearing**

A public hearing may be held at the board's discretion if there has been significant expressed public interest or if there has been a specific request for a hearing from the public.

### **Section 5. Final Plan Determination**

The Board shall make findings of fact and conclusions relative to the criteria contained in Article 8 and Title 30-A M.R.S.A., §4404 within thirty days of determining a complete Final Plan application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the developer. If the Board finds that all the criteria of Article 8 have been met, the Board shall approve the plan. If the Board finds that any of the criteria of Article 8 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. If the application is denied, the Board shall issue a written notice of its decision, including its findings, conclusions and reasons for denial.

### **Section 6. Recording Plan**

The Recording Plan for a minor subdivision shall meet the requirements of Appendix K.



## **ARTICLE 6 – MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW**

### **Section 1. Purpose**

The purpose of the Preliminary Plan is to provide enough information to the Board for a preliminary determination that the proposed subdivision will meet the approval standards of Article 8 and Title 30-A, MRSA, Section 4401 et Seq.

### **Section 2. Preliminary Plan Submission**

Within six months after the on-site inspection, nine copies of the Preliminary Plan application with the appropriate fee shall be submitted at least 15 days prior to the Planning Board meeting at which the developer wishes to be heard. The application shall be accompanied by a Preliminary Plan satisfying the submission requirements of Appendix C. Failure to submit an application within six months shall require resubmission of the Preapplication to the Board.

### **Section 3. Escrow Fee**

The developer shall pay an escrow fee of \$250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Planner/CEO shall notify the developer, and require that the balance be brought back up to the original deposit amount. The Planner/CEO shall continue to notify the developer and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the developer.

### **Section 4. Preliminary Plan Review**

The Board shall not review any preliminary plan application unless the developer attends the meeting. Should the developer fail to attend, the Board shall reschedule review of the application for its next regular meeting. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the developer in writing of its determination. The Planner/CEO shall distribute sign-off forms to the Road Commissioner, Fire Chief, Police Chief, Wastewater Superintendent, Director of Solid Waste, E 911 Addressing Officer and Superintendent of Schools. The form shall specify the plans to be reviewed and the number of dwelling units proposed. If the application is not complete, the Board shall notify the developer of the specific additional material needed to complete the application.

## **Section 5. Public Hearing**

The Board shall hold a public hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least two prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the developer, at least ten days prior to the hearing.

## **Section 6. Preliminary Plan Determination**

Within thirty days from the public hearing or within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, the Board shall approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts for any conditions or denial.

When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes that will be required on the final plan;
2. The construction items for which cost estimates and performance guarantees will be required as a prerequisite to the approval of the final plan.

Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted to the Board for review upon fulfillment of the requirements of these regulations and the conditions of preliminary plan approval, if any. Prior to review of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received. Formal findings of fact are not required for approval of a preliminary plan.

If the preliminary plan is denied, then the decision shall be treated as a final decision and formal findings of fact, conclusions and a decision shall be drafted.

## **ARTICLE 7 – MAJOR SUBDIVISION FINAL PLAN REVIEW**

### **Section 1. Purpose**

The purpose of the Final Plan Review is to determine whether the proposed subdivision meets the standards of Article 8 and Title 30-A, MRSA, Section 4401 et. Seq.

### **Section 2. Final Plan Submission**

Within six months after the approval of the preliminary plan, the developer shall submit 9 copies of an application for approval of the final plan with all supporting materials and the appropriate fee, at least 15 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below.

### **Section 3. Request for Extension**

If a developer cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the developer may request an extension. Such a request for an extension to the filing deadline shall be filed in writing to the Board, prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the developer has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

### **Section 4. Replenishment of Escrow Account**

The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of Article 6, Section 3.

### **Section 5. State and Federal Permits**

Prior to submission of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Law, or if an MEPDES wastewater discharge license is needed.
3. Maine Department of Human Services, if the developer proposes to provide a public water system.
4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

5. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit.
6. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, the developer shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the developer may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

## **Section 6. Final Plan Review**

The Board shall not review any final plan application unless the developer or developer's representative attends the meeting. Should the developer or developer's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the developer.

Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the developer in writing of its determination. Upon determination that a complete application has been submitted for review, the Board shall notify the developer in writing. The Board shall also determine whether to hold a public hearing on the final plan application. If the application is not complete, the Board shall notify the developer of the specific additional material needed to complete the application.

## **Section 7. Public Hearing**

If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least two prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the developer, at least ten days prior to the hearing.

## **Section 8. Performance Guarantees**

Before the Board grants approval of the final plan, the developer shall meet the performance guarantee requirements contained in Article 10. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either

deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the record.

#### **Section 9. Recording Plan**

The recording plan for a major subdivision shall meet the requirements of Appendix K.

## **ARTICLE 8 - APPROVAL STANDARDS{ TC \11 "ARTICLE 11 - APPROVAL STANDARDS}**

The State Subdivision Law, Title 30-A M.R.S.A §4404, establishes the criteria for review of a proposed subdivision and requires the Planning Board to find that the proposal meets these criteria. The performance standards and design guidelines in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute. Compliance with the design guidelines of this section shall be considered evidence of meeting the performance standards. Proposed subdivisions not in compliance with the design guidelines may be considered, but the developer shall provide clear and convincing evidence that the proposed design will meet the statutory criteria for approval and the performance standards. In all instances, the burden of proof shall be upon the developer to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met. The Board shall make findings that each standard has been met prior to the approval of a final plan. The "State Standards" listed below are the actual statutory standards as set out in Title 30-A, section 4404.

### **Section 1.     Pollution{ TC \12 "11.1 Pollution}**

#### **A.     *State Standard***

The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to flood plains;
2. The nature of soils and sub soils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

#### **B.     *Performance Standards***

The proposed subdivision shall not discharge wastewater or storm water to a water body without a license from the Maine Department of Environmental Protection.

### **Section 2.     Sufficient Water{ TC \12 "11.2 Sufficient Water}**

#### **A.     *State Standard***

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.



**B. *Performance Standards*****1. Public Water**

When practical, any subdivision shall make provisions for connection to the public water supply system if the public utility indicates that it can provide water service.

**2. Private Wells**

When a proposed subdivision will not be served by a public water system, water supply shall be from individual wells or a private community water system.

a. Lot design shall provide for placement of wells, subsurface wastewater disposal areas, and where required, reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules, the Well Drillers and Pump Installers Rules.

b. If a central water supply that meets the definition of a public water supply is provided by the developer, the protection of the location, source, design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

c. Open space subdivisions may place independent water supply systems in the open space.

d. Dug wells shall not be used to satisfy the requirements of this Ordinance.

**3. Fire Protection**

Public water supply systems shall include fire hydrants, to be installed at the expense of the developer. In areas where the Planning Board determines, based upon the written recommendation of the Fire Chief or his/her designee, that a reliable water supply for fire fighting purposes is not available within one-half mile of the site, the developer shall be responsible for providing adequate fire protection water supply in accordance with NFPA 1231. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant, other water sources with an approved dry hydrant, participation in the town's plans to reclaim existing fire ponds, or approved residential sprinkler systems in each principal building. An easement shall be granted to the Town for access to and maintenance of dry hydrants or reservoirs where necessary[DL2].

**C. *Design Guidelines*****1. Public Water**

a. The developer shall secure in writing a statement from the servicing water company that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

b. The construction of water lines shall include the construction of laterals to the property line of each lot created.

c. The minimum permitted water main size shall be eight inches.

## **2. Private Wells**

Private wells shall meet the requirements of CMR Chapter 232, Well Drillers and Pump Installers Rules.

## **3. Fire Protection**

a. Where fire ponds are built for fire protection, a minimum storage capacity of ten thousand (10,000) gallons plus additional storage of two thousand (2,000) gallons per lot or principal building or such other amount as required by the Fire Chief shall be provided. The Board may approve an alternate storage capacity based on the fire flow calculation of NFPA 1231 and as approved by the Fire Chief. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level less an equivalent of three (3) feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road shall be submitted as part of the application. The Fire Chief shall approve the design of all storage facilities.

b. Dry hydrants or other provisions for fire protection water supply shall meet the specifications of the Fire Department and NFPA 1231. The design of hydrants shall be approved by the Fire Chief or his/her designee.

c. Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing public street, an easement shall be provided to the Town for access to, maintenance, and use of the dry hydrant or reservoir. A suitable access way to the hydrant or other water source shall be constructed by the developer. It shall be built to standards approved by the Fire Chief. Once the hydrant is constructed and the easement accepted by the Town, the Town shall be responsible for the maintenance of the access way and hydrant.

d. The developer shall be responsible for the maintenance of the fire protection water supply for a period of one (1) year following its installation and shall be responsible for any improvements required by the Fire Chief during this period to provide adequate storage capacity and flows.

## **Section 3. Municipal Water Supply{ TC \12 "11.3 Impact on Existing Water Supplies}**

### **A. *State Standard***

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

### **B. *Performance Standards***

A proposed subdivision shall not generate a demand on the source, treatment facilities, or distribution system of the water company beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.

### **C. *Design Guidelines***

The developer shall secure in writing a statement from the servicing water company that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

#### **Section 4. Erosion**

##### **A. *State Standard***

The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

##### **B. *Performance Standards***

1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
3. The Board may waive submission of the erosion and sedimentation control plan if the project will not involve grading, which changes drainage patterns.

##### **C. *Design Guidelines***

1. Erosion control measures shall meet the standards of the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*.
2. Disturbed land shall be exposed for the shortest time possible.
3. Hay bales, silt fences or other techniques to capture sediment during construction shall be placed between areas of construction activity and stream channels, ditches and other elements of the drainage system.
4. Topsoil and other materials excavated from or brought to the site of development shall not be stockpiled on the site in a manner that allows sedimentation into any watercourse.
5. Disturbed areas shall be mulched and seeded or planted as soon after construction as practicable. Areas in which there has been insufficient catch by the time the growing season ends, shall be properly re-mulched if necessary. All temporary erosion control structures shall be removed from the site as soon as vegetative cover has become well established.

#### **Section 5. Traffic**

##### **A. *State Standard***

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by (M.R.S.A.) Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveway or entrances conform to (M.R.S.A.) Title 23, section 704 and any rules under that section.

## **B. *Performance Standards***

The proposed subdivision transportation infrastructure shall be designed to:

- Provide safe and convenient circulation and safeguards against hazards for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
- Be compatible with the estimated Average Annual Daily Traffic and the zoning district(s) where the subdivision is located;
- Utilize context sensitive design to maintain a positive relationship between the transportation infrastructure and the natural setting of the proposed subdivision site.

### **1. General Access Standards**

Any subdivision access connecting with external streets shall meet the following standards:

- a. An access connecting to a state or state-aid highway shall meet the minimum access permitting requirements of the latest edition of the Maine Department of Transportation "Highway Driveway and Entrance Rules";
- b. An access that is expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the latest edition of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits".
- c. No subdivision shall reduce the Level of Service (LOS) of streets or intersections neighboring the subdivision to a LOS of "E" or below, unless:
  - (i) the level of service of the road or intersection will be raised to D or above through transportation demand management techniques; or
  - (ii) the developer provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, and improvements will be made or transportation demand management techniques will be used such that the proposed development will not worsen the operational condition of the road or intersection within a year of completion; or
  - (iii) improvements cannot reasonably be made because the road or intersection is located in a central business district or because implementation of the improvements will adversely affect an historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or
  - (iv) the development is located in a designated growth area, in which case the developer shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries

- of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise would be required.
- d. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane may be required by the Board.

## **2. General Internal Subdivision Street Standards**

All internal subdivision streets shall meet the following minimum standards.

- a. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Dead end streets shall have street stubs extending to the property line of the parcel, as deemed necessary by the Board, to logically extend the street system to a future phase of the same development or to future development on abutting property. All street stubs shall provide temporary turnarounds or cul-de-sacs. The restoration and expansion of the street shall be the responsibility of any future developer of abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods and facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through-traffic.
- b. Where the Planning Board determines that there are particular hazards to vehicles, bicyclists or pedestrians or the potential for traffic congestion, then provision shall be made to mitigate the hazards or congestion. Mitigation shall include but not be limited to turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, guardrails, transportation demand management techniques, and traffic controls within existing internal public streets.
- c. For blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 30-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic.
- d. Streets shall be named according to the Town of Camden Addressing Policy. The developer shall install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.

## **3. General Private Road Standards**

The approval of a subdivision plan by the Planning Board shall not constitute or be evidence of any acceptance by the Town of any road or easement shown on such plan, and the Board shall require the Plan to contain appropriate notes to this effect. All subdivision roads shown on an approved subdivision plan shall be presumed to be private roads unless and until such roads are accepted as public roads by the Town.

The Planning Board shall require, as a condition of approval of any subdivision plan with a private road or roads, the following:

- a. The creation of a Maine member-benefit non-profit corporation (hereinafter "Homeowner's Association") to which the applicant/owner will transfer title to the subdivision road(s). The Bylaws of the Homeowner's Association shall provide, at a minimum,

- (i) that the entity shall be responsible for the maintenance, including snowplowing, repair, and reconstruction of said road(s) and appurtenances;
- (ii) that the owners of each lot shall be members of said entity;
- (iii) that if a lot is owned by more than one person or entity, that each lot shall have one vote;
- (iv) an estimate of the annual cost and a formula for the apportionment of the cost of any such maintenance, repair, or reconstruction among lot owners; and
- (v) that the applicant/owner shall convey the subdivision road(s) and any appurtenances to the Homeowner's Association after the Town code enforcement officer has certified that the said road(s) and its appurtenances are completed according to the standards of their approval and before the last of the lots has been conveyed from the applicant/owner to third parties. Any apportionment formula which does not provide for an equal sharing of costs among lot owners must be approved by the Planning Board. Any Homeowner's Association created pursuant to this Section 2 (b) may also be used for other purposes not inconsistent with the purposes of this Article I, and may be used as the entity to hold title to common space and other common amenities within a subdivision.

b. A restrictive covenant, appurtenant to each subdivision lot, requiring that the owner of any lot in said subdivision shall be a Member of the Homeowner's Association. The applicant/owner shall cause a Declaration of the said restrictive covenant, with a copy of the non-profit corporation Bylaws attached thereto, to be recorded in the Knox County Registry of Deeds prior to the conveyance of any subdivision lot. The Declaration shall provide, at a minimum, that the covenant is for the benefit of each lot owner and the Homeowner's Association and may be enforced in law or equity by any benefited party. A reference to the Declaration of said restrictive covenant shall be included in any deed of conveyance of a subdivision lot from the applicant/owner. A note shall also be included on the Final Plan setting out the restrictive covenant and the notice requirements of this Section 2 (b).

c. Nothing in this section shall be construed to limit the ability of an applicant/owner to impose or declare further restrictive covenants on the subdivision lots, or to limit the inherent authority of the Planning Board to require further restrictive covenants as a condition of subdivision approval.

### ***C. Design Guidelines***

#### **1. Access Control**

To the maximum extent practical, any subdivision access shall be constructed perpendicular to the external streets and no less than 60 degrees. Where a subdivision abuts an arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

a. Where a lot has frontage on two or more streets, access shall be provided across the frontage to the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where access to a lesser-traveled way is problematic, the Board may allow access on the higher volume street if the access does not significantly detract from public



safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic

b. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.

c. Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access and shall comply with the site distance requirements in Appendix E and F.

d. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:

(i) Low Volume Access: An access with 50 or less passenger car equivalent trips per day.

(ii) Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during the peak hour.

(iii) High Volume Access: Any access with 100 or more passenger car equivalent trips during the peak hour.

e. The minimum access design standards of Appendix E and F shall apply to all low and medium volume accesses connecting to external streets:

f. Medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall exceed the minimum curb radius standard in Appendix E and F if necessary to accommodate a larger design vehicle.

g. All high volume accesses shall meet the requirements of the latest edition of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board.

## **2. Street Design Standards**

The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute acceptance by the municipality of any street or easement.

Upon receipt of plans for a proposed street, the Planner/CEO shall forward one copy to the Road Commissioner, Police Chief and Fire Chief for review and comment. Where the developer proposes improvements within existing streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate. The traveled way must be wide enough to allow safe passage of vehicles in either direction, yet should not be wider than necessary.

a. These design guidelines shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the developer can provide clear and convincing

evidence that an alternate design will meet good engineering practice and the performance standards of this Article.

b. Reserve strips controlling access to streets shall be prohibited unless their control is placed with the municipality.

c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), the plan shall provide areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

d. Any subdivision and any street expected to generate average daily traffic of 200 trips per day shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

e. The design standards of Appendix E and F shall be compatible with the traffic volume access thresholds referenced in Section 5, C, 1, (d). In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the zoning district. The following land use density pattern requirements shall be required for the following zoning districts.

(i) Land use density patterns that are R/CR shall apply to the Rural-1, Rural-2, and Coastal Residential Districts.

(ii) Land use density patterns that are V/VE shall apply to the Traditional Village and Village Extension Districts.

(iii) Land use density patterns that are C/I shall apply to B-1, B-2, B-3, B-4, B-TR, B-R, B-H, B-TH and Industrial Districts if the proposed development will contain commercial or industrial uses.

#### **g. Curbs and Shoulders**

In subdivisions with average lot widths of between 50 and 100 feet, the Board may require a paved road surface of 26 feet to accommodate on-street, spillover parking.

(i) Curbs shall be installed by the developer, where necessary for storm water management. Curbs for storm water management shall be contingent on the storm water design standards specified in Section 16, C.

(ii) When a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb. For sloped curbs where no parking lane is present, a minimum 1-foot shoulder is required from the traveled way to the curb.

(iii) Bituminous curbing shall be installed on the base course of the pavement.

(iv) Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness.

(v) In situations where the Planning Board has determined that paved shoulders should be provided for bicyclists, the minimum width of the shoulder shall be 1 foot on either side of the traveled way for all low and medium volume streets in rural designated zones. Paved shoulder widths for low and medium volume streets in Village/Village Extension (V/VE) designated zones shall be a minimum of 2 feet on either side of the traveled way.

h. The centerline of the roadway shall be the centerline of the right-of-way.

#### **i. Dead End Streets**

In addition to the design standards in Appendix E and F, dead-end streets shall be constructed to provide a cul-de-sac with a travel lane and width equal to the minimum width required for the internal subdivision street. For all residential cul-de-sacs the minimum radius shall be 45 feet to the inside edge of the traveled way. For commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. All cul-de-sacs shall be fully vegetated and shall be maintained by the developer or homeowners' association. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained, when practicable, within the center of the cul-de-sac. The Board may require the reservation of a twenty foot easement in line with a street intended for town acceptance to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible. A T-turn around is permissible for any residential subdivision road carrying an ADT of 100 or less for the entire subdivision, provided that the turn around is not used for parking. The turn around area shall have a width equal to the street width, a 5-foot turning radius, and a total length of 50 feet centered above the street.

#### **j. Sidewalks**

The Board may require sidewalks when it is feasible to connect to existing sidewalks and when the Board determines a need due to the proximity of the proposed subdivision to existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators. The Board may require sidewalks on both sides of the street. Sidewalks shall be a minimum of three feet in width and shall be either bituminous or Portland Cement concrete.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing, or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

#### **k. Private Roads**

- (i) All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
- (ii) Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
- (iii) All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
- (iv) All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Article 8, Section 16, C.
- (vi) Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards."

### **3. Utilities**

Utilities shall be installed underground, unless in the sole discretion of the Planning Board, such

an installation would cause unnecessary hardship, or due to the prevalence of overhead wires in the immediate vicinity, such utility should be an extension of the overhead wire network. The Board may approve overhead electrical service for minor subdivisions or for affordable housing. Utilities shall be installed in a timely manner during street construction to prevent excavation of the finished street. The location of utilities shall be illustrated in a typical cross-section, in accordance with the following:

**a. Electrical systems**

(i) Below ground:

Location--under sidewalk area (either side)

Operational width--5 feet Recommended minimum depth--CMP standard

(ii) Above ground (if permitted by Planning Board):

Poles and light standards (either side) face of structure 1 foot in back of face of curb; or, 5 feet inside of right of way line

**b. Sewer and storm water systems**

(i) Location--highway center line for sanitary gutter lines for storm (at curb), both sides

(ii) Operational width--6 feet

(iii) Recommended minimum depth--7 feet for sanitary, 4 feet for storm, or as otherwise properly engineered

**c. Data systems**

(i) Below ground:

Location--under sidewalk area (either side)

Operational width--5 feet Recommended minimum depth--2 feet of cover

(ii) Above ground (if permitted by Planning Board):

Poles and pedestals (either side) face of structure 1 foot in back of face of curb; or 5 feet inside right-of-way line

**d. Water systems:**

(i) Location--on north and west side of street, 5 feet inside berm or curb

(ii) Operational width--6 feet

(iii) Recommended minimum depth--6 feet of cover

(iv) Hydrants--1 foot in back of face of curb, or inside right of way line

**4. Street Construction Standards**

a. The minimum thickness of material after compaction shall meet the specifications in Appendix H.

**b. Preparation**

(i) Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at fifty foot intervals.

(ii) Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

(iii) All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which have been identified by the developer's engineer as not suitable for roadways, either the subsoil

shall be removed from the street site to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

(iv) Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than one foot horizontal to four feet vertical is permitted.

(v) During street construction, the entire right of way shall be cleared only if necessary for utilities, drainage or other infrastructure necessities beyond the clear zone.

(vi) All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

(vii) Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

(viii) Following street construction, the developer or contractor shall conduct thorough clean up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and shall be suitably covered with fill and topsoil, limed, fertilized, and seeded.

### **c. Bases and Pavement.**

#### **(i) Bases/Sub base**

The aggregate sub base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Appendix H. Aggregate for the sub base shall contain no particles of rock exceeding six inches in any dimension. If the aggregate sub base course is found to be not fine gradable because of larger stones, then a minimum of three inches of aggregate base course shall be placed on top of the sub base course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate that passes through a three-inch square mesh sieve shall meet the gradation requirements of Appendix H. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

#### **(ii) Pavement**

Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The base pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix modified C or other mix acceptable to the Road Commissioner, with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate

characteristics. The surface pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

**(iii) Pavement Joints**

When new pavement joins existing pavement, the existing pavement shall be cut along a smooth line to a neat, even, vertical joint and ground at least 2 feet beyond the joint.

**(iv) Surface Gravel**

The Board may approve a gravel surface for any internal, private subdivision road with a maximum ADT of 50. The surface gravel shall meet the gravel grading requirements of Appendix G. When a gravel subdivision road intersects an existing paved road, the subdivision road shall be paved for a minimum distance of 18 feet from the existing road.

**(v) Sidewalks**

The “sub base” aggregate course shall be no less than twelve inches thick after compaction. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction. The Portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick. Relief cuts are required and rebar shall be used for reinforcement at the intersection of separate pours.

- d. For inspections required during construction, see Article 9, Inspections and Enforcement.

## **Section 6. Sewage Disposal{ TC \12 "11.6 Sewage Disposal}**

### **A. State Standard**

The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

### **B. Performance Standards**

#### **1. Public Sewer**

- a. When practical, any subdivision shall make provisions for connection to the public sewer system if the Camden Wastewater Department indicates that it can provide sewer service.
- b. The Camden Wastewater Department shall certify that providing service to the proposed subdivision is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- c. All components of the sanitary sewerage system must be designed by a professional engineer registered in the State of Maine. The Department shall review and approve the construction drawings for the sewer system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the Department. All components of the system shall be tested for full compliance with the design specifications and construction practices established by the Department.
- d. The construction of sewer lines shall include the construction of laterals to the property line of each lot created.



e. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed subdivision for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

## **2. Private Systems**

a. The developer shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

(i) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.

(ii) The Board may require a second site with suitable soils to be shown as a reserve area if site conditions are such that areas for disposal are highly limited. Reserve areas should be considered when a lot is less than one acre in size or is located in a subdivision that has a net residential density of more than one unit per acre; if the lot is located outside of the existing and likely future service area of the public water system; if the lot includes a natural resource such as, but not limited to, being located over a mapped sand and gravel aquifer; or is in a shoreland area, or within one hundred (100) horizontal feet of a high value wetland. The reserve area shall be shown on the plan and restricted so as not to be built upon.

(iii) In no instance shall a disposal area be on a site, which requires a New System Variance from the Subsurface Wastewater Disposal Rules. The Board may waive this standard only in instances where no other reasonable alternative exists. In determining the granting of a waiver, the Board may require the developer to submit a list of alternatives prepared by a Licensed Site Evaluator.

## **Section 7. Municipal Solid Waste Disposal{ TC \12 "11.7 Solid Waste}**

### **A. State Standard**

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

## **Section 8. Aesthetic, Cultural and Natural Values.**

### **A. State Standard**

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

### **B. Performance Standards**

If the subdivision is designed as an open space development in conformance with the provisions of the Zoning Ordinance, the plan shall provide for the conservation of the highest value resources on the site. All subdivisions shall conform to the following:

**1. Preservation of Natural Beauty and Aesthetics**

- a. The plan shall (by notes on the final plan and deed restrictions) limit the clearing of trees to those areas designated on the plan, except as necessary for good forestry practices.

**2. Retention of Open Spaces and Natural, Historic, or Archeological Features**

- a. If any portion of the subdivision is located within an area designated as a critical nature area by the comprehensive plan, the subdivision plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- b. If any portion of the subdivision is designated as a site of historic, prehistoric, or archeological importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the resources shall be included in the plan.

**3. Protection of Significant Wildlife Habitat**

If any portion of a proposed subdivision lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife (in digital format dated June 30, 2006, as amended from time to time), the developer shall demonstrate that there shall be minimal impacts on the habitat and species it supports. The plan shall provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted and approved by the Board. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have minimal impacts on the habitat and the species it supports. These areas include:

- a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
- b. High and moderate value waterfowl habitats, including nesting and feeding areas; or
- c. High or moderate value deer wintering areas.

**4. Shoreline Access**

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way.

**C. *Design Guidelines***

**1. Preservation of Natural Beauty and Historic Features**

- a. The Planning Board may require that a proposed subdivision include a landscape plan that



will show the preservation of existing individual trees (10-inch diameter or greater) or important stands of trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, or environmentally desirable areas.

- b. The street and lot layout shall be adapted to the topography.
- c. Extensive grading and filling shall be avoided as far as possible. Except for surplus topsoil from roads, parking areas and building excavations, topsoil shall not be removed from the site.
- d. Cutting of trees on the northerly borders of the subdivision shall be avoided to the extent possible to retain a natural wind buffer.
- e. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board.
- f. Land in cluster developments to be reserved as open space or natural area shall be so labeled, with the notation, "Open space not to be developed," on the Final Plan.
- g. The Planning Board may require a shadow study if it believes the proposed development may interfere with the solar access of adjacent properties.
- h. Subdivisions within the Rural-1, Rural-2 and Coastal Residential Districts shall maintain existing vegetated buffers along existing roads for a minimum distance of 25 feet into the lot. The measurement may include vegetation within the right of way. The buffer may be broken only for driveways and streets.

## **2. Retention of Natural or Historic Features**

Proposed subdivisions which include or are adjacent to buildings, sites, or districts on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

## **3. Protection of Significant Wildlife Habitat and Important Habitat Areas**

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Developers proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat.

### **a. Protection of Habitat of Endangered or Threatened Species**

- (i) When open spaces are required, the habitat of species appearing on the official state or federal lists of endangered or threatened species shall be maintained.
- (ii) Deed restriction shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within two hundred and fifty (250) feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of IF&W has approved cutting of vegetation in writing.

### **b. Protection of Waterfowl Habitat**

- (i) There shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet inland from the normal high-water mark of high and moderate value waterfowl habitats, including nesting and feeding areas.
- (ii) This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

**c. Protection of Deer Wintering Areas**

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

**d. Protection of Shoreland Areas**

(i) All areas subject to Shoreland Zoning shall comply with the relevant standards.

(ii) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

e. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist, and their comments presented in writing to the Board.

**Section 9. Financial and Technical Capacity{ TC \12 "11.10 Financial and Technical Capacity}**

**A. State Standard**

The developer has adequate financial and technical capacity to meet the standards of this section.

**B. Performance Standards**

**1. Financial Capacity**

The developer shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations, the Board shall consider the proposed time frame for construction and the effects of inflation.

**2. Technical Ability**

a. The developer shall retain professional consultants to supervise, construct, and inspect the required improvements in the proposed subdivision.

b. In determining the developer's technical ability, the Board shall consider the developer's previous experience, the experience and qualifications of the developer's consultants and contractors, and known violations of previous approvals involving the developer, consultants, contractors, or other agents of the developer.

**Section 10. Surface Waters; Outstanding River Segments{ TC \12 "11.11 Impact on Water Quality or Shoreline}**

**A. State Standard**~~[(DL3]~~

Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B (Section 435-490)~~[(DL4]~~, the proposed subdivision will not adversely affect the quality of



that body of water or unreasonably affect the shoreline of that body of water. (As of July 1, 2007, there are no outstanding river segments in Camden.)

When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred and fifty (250) feet that is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

2. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning as defined in Title 38, Chapter 3, Subchapter I, Article 2-B[DL5], or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983.

#### **B. *Performance Standards***

The application shall demonstrate that the cutting or removal of vegetation along water bodies will not increase water temperature, or result in shoreline erosion or sedimentation of water bodies. It shall also demonstrate compliance with the shoreland zoning performance standards where applicable.

#### **C. *Design Guidelines***

These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

### **Section 11. Ground Water{ TC \12 "11.12 Impact on Ground Water Quality or Quantity}.**

#### **A. *State Standard***

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

### **Section 12. Floodplain Areas{ TC \12 "11.13 Floodplain Management}**

#### **A. *State Standard***

Based on the Federal Emergency Management Agency's Flood Boundary, and Floodway Maps and Flood Insurance Rate Maps, and information presented by the developer, showing whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundaries within the

subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

**B. *Performance Standards***

If any proposed development within the subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

1. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
2. All building shall be in accordance with the Camden Floodplain Management Ordinance as amended from time to time.
3. If restrictions are necessary, they shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly state that the municipality will enforce the construction requirements and that fact shall also be included in the deed or any other document previously described.

**Section 13. Freshwater Wetlands{ TC \12 "11.14 Identification of Freshwater Wetlands}**

**A. *State Standard***

All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

**B. *Performance Standards***

Freshwater wetlands, including forested wetlands, shall be identified and mapped in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers.

**Section 14. River, Stream, or Brook{ TC \12 "11.15 Rivers, Streams, and Brooks}**

**A. *State Standard***

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9[DL6].

**B. *Performance Standards***

The final subdivision plan shall show all rivers, streams, and brooks that are located within the subdivision or abut the subdivision.

## **Section 15. Storm Water** { TC \12 "11.16 Storm Water Management}

### **A. State Standard**[DL7]

The proposed subdivision will provide for adequate storm water management.

### **B. Performance Standards**

1. For subdivisions that require DEP review under the Site Location of Development Act (SLDA), a storm water management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Regulations.
2. For subdivisions that do not require an SLDA permit, but require a DEP permit under the Storm Water Law, a storm water management plan shall be submitted which complies with the requirements of DEP Chapter 500 Regulations.
3. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system using practices equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.
4. Developers are encouraged to dispose of storm water on the land at the site of development, and to do so through the wise use of the natural features of the site.
5. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
6. The design of storm water systems shall be fully cognizant of upstream runoff, which must pass over or through the site to be developed. The system shall be designed to pass upstream flows from the land as fully developed, generated by a 25-year storm, without surcharging the system.
7. The maximum length for carrying open storm water in a street gutter prior to intake at a catch basin shall be 300 feet. No storm water will be permitted to drain on the surface across a street or across an intersection.
8. The plans and specifications for any storm water system serving a proposed subdivision shall be designed by a professional engineer and installed according to the plans.
9. The developer shall maintain all components of the storm water runoff system until the system is formally accepted by the Town, or is placed under the jurisdiction of a legally created property owners association whose character and powers require maintenance of the system, with adequate financing to carry out this responsibility.



### **C. *Design Guidelines***

1. At the Planning Board's discretion, rights-of-way or easements shall be designated and offered to the Town for all significant components of the storm water system lying outside of established street lines. The rights-of-way or easements shall have a minimum width of thirty feet for open ditches, streams, or natural drainage courses, conforming substantially to the lines of such watercourse, provided that where a watercourse or detention area is wider than thirty feet, the Planning Board may require a width adequate for maintenance purposes.

#### **2. Storm Water Drainage Construction Standards**

- a. The minimum size of any storm drainage pipe shall be 15 inches.
- b. When drainage ditches are required to be constructed within the street right-of-way, the ditch line shall be a distance of ten feet or more from the edge of pavement of an arterial street, and a distance of eight feet or more from the edge of pavement of other streets. The ditch and remaining right-of-way shall be sodded or loamed and seeded with conservation mix from the edge of the shoulder to the right-of-way line.
- c. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm erosion and shall be benched or terraced as required to provide adequate stability.
- d. Slopes along the edges of roads shall not be steeper than three feet horizontal to one foot vertical to the ditch, nor more than two feet horizontal to one foot vertical beyond.
- e. Outlets shall be terminated in an end wall of concrete construction, or shall be riprapped to prevent erosion, or other appropriate facility for the dissipation of energy shall be provided.

#### **3. Storm Water Easements**

Where necessary to achieve the above standards, easements shall be provided or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. Whenever elements of the storm water system are not within the right-of-way of a public street and the facilities will not be offered to the Town for acceptance as public facilities, perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, shall be provided to the municipality allowing maintenance and improvement of the system. If there are elements of the storm water system serving more than one lot that require future maintenance to remain effective that are located outside of the right-of-way of a proposed public street, the Planning Board may require that the developer offer to give these to the Town with a condition of approval that the Town be permitted to assess the lot owners on a pro rata basis for the costs of the future maintenance of these storm water facilities. A note relative to this condition of approval shall appear on the approved plan and an indication of the condition of approval shall be placed in the deed of each lot subject to the condition. When an offer of dedication is required by the Board, the developer shall be responsible for the maintenance of these storm water facilities until they are accepted by the Town. Subdivisions requiring storm water management facilities shall enter into a Maintenance Agreement with the Town. A sample of this agreement is attached as Appendix L.



## **Section 16. Spaghetti-lots Prohibited{ TC \12 "11.17 Spaghetti Lots}**

### **A. State Standard[DL8]**

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

## **Section 17. Lake Phosphorus Concentration{ TC \12 "11.18 Phosphorus Impacts on Great Ponds}**

### **A. State Standard**

The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

### **B. Performance Standard**

The goal of these standards is to prevent phosphorus over-enrichment of Camden's great ponds, as well as great ponds in neighboring towns that share these watersheds, by ensuring that development does not generate more phosphorus than a specific water body can handle. Any subdivision within the watershed of a great pond shall limit its post-development phosphorus export to specific standards dependent on the water quality of the great pond.

### **C. Design Guidelines**

Calculation procedures and design criteria shall be according to *Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development* published by the Maine Department of Environmental Protection (DEP) as currently revised. The following additional standards shall be met:

1. Natural growth buffers must be left or established down gradient of developed areas and must be protected by deed restrictions. The following buffer widths are required to the maximum extent reasonably feasible given lot layout restrictions:
  - a. If the watersheds area allocation is 0.05 lb/acre or less, 75 ft wooded or 125 ft non-wooded.
  - b. If the watersheds area allocation is greater than 0.05 lb/acre, 50 ft wooded or 100 ft non-wooded.
  - c. Driveways and parking areas must be designed and constructed so that runoff is quickly shed from driveway to buffer areas and distribution of natural drainage patterns is minimized.
  - d. Roof runoff may not be channeled to the lake but must be distributed over stable, well-vegetated areas or infiltrated into the soil.
  - e. Use of fertilizers containing phosphorus is prohibited except when establishing new turf.

f. Deed restrictions shall be created, and responsibility for their coverage assigned, for maintaining whatever means the proposed plan has put in place to assure the long-term restriction of phosphorus export.

## **Section 18. Impacts on Adjoining Municipality{ TC \12 "11.19 Impacts on Adjoining Municipalities}**

### **A. *State Standard***

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

### **B. *Performance Standards***

If the subdivision is located in two (2) or more municipalities, the developer shall demonstrate that the project will meet the performance standards in Section 5, B, 1, (c) relating to traffic conditions for all roads impacted by the subdivision regardless of where the impacted roads are located.

## **Section 19. Lands Subject to Liquidation Harvesting**

### **A *State Standard***

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869 (14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a license forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

**Section 20. Conformity With Local Ordinances and Plans{ TC \12 "11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances}**

**A. *State Standard*[DL9]**

The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

**B. *Performance Standards***

If there is a conflict between the requirements of this ordinance and any other ordinance or between the requirements of other ordinances, the more stringent requirement shall apply.

## **ARTICLE 9 – INSPECTIONS AND ENFORCEMENT**

### **Section 1. Inspections**

Before construction of required improvements begins, the developer shall provide the Code Enforcement Officer with adequate written notice and a proposed schedule of construction. The schedule shall provide for inspections by a licensed engineer, under contract with the Town and at the expense of the developer, to ensure that all municipal specifications, requirements, and conditions of approval are met during construction. The developer shall also submit an estimate of the cost of required inspections and shall provide funds equal to 110% of that cost, to be held in escrow by the Town, without payment of interest, for payments to the inspector. See Appendix J for a list of mandatory inspections.

Signed and dated reports shall be submitted to the Code Enforcement Officer for each inspection. If the inspector finds that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the inspector shall so report in writing to the CEO and the developer. The inspector and CEO shall be notified by the developer when remedial action has been taken by the developer.

Municipal Inspections may be conducted at any time by the Town Manager, Road Commissioner, Planner/CEO or representatives of public utilities. If any of the above officials finds that required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the inspector and developer shall be notified in writing and required to take appropriate action to correct the problem(s). The inspector and Planner/CEO shall be notified by the developer when remedial action has been taken by the developer.

### **Section 2. Modifications During Construction**

If at any time, it is necessary to modify the required improvements before or during the construction of the required improvements, the Planner/CEO is authorized to approve minor field changes due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. (See Article 12, Section 1). Major modifications, such as relocation of rights of way and property boundaries and changes of grade by more than 1% shall require a subdivision amendment (See Article 12, Section 2).

### **Section 3. Filing and Completion Deadlines**

#### **A. Filing Deadline**



Upon approval of a Final Plan, and notation to that effect upon the plan, a copy of the signed and dated Final Plan shall be recorded by the developer in the Knox County Registry of Deeds. The developer shall notify the Planner/CEO of the book and page number in which such plan has been filed. Any Final Plan not so filed or recorded within thirty days of the date upon which such plan is approved and signed by the Planning Board shall become null and void, unless the particular circumstances of said developer warrants the Planning Board granting an extension, which shall not exceed an additional period of sixty days. No building permit shall be issued until proof of recording is submitted to the Planner/CEO.

### **B. Completion of Improvements**

All required improvements shall be completed no later than two years after approval of the Final Plan. The developer may request, in writing, no more than two extensions of this deadline, with each period of extension not to exceed six months. The deadline may also be extended by the Planning Board for up to two years if the subdivision approval is appealed.

### **C. Phasing of Improvements**

1. The Planning Board may approve plans to develop a subdivision in separate and distinct phases, subject to a schedule of development mutually agreed upon by the Board and the developer and to any conditions the Board deems necessary to insure the orderly development of the Final Plan. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision's street system which is covered by a performance guarantee. The boundary lines of each phase shall be clearly shown on the Final Plan, and a separate signature block shall be provided for each phase. When development is phased, road construction shall commence from the public way.
2. In the event of a phased plan of development, each phase receiving final approval shall be duly recorded by the developer and required improvements shall be completed within the deadlines set forth in this Article.

## **Section 4. Certification for Town Acceptance of Public Subdivision Roads**

Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the Select Board at the expense of the developer, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Select Board. No subdivision road shall be presented to the voters for acceptance until at least 75% of the subdivision lots have been issued certificates of compliance.

## **Section 5. Interim Road Maintenance**

The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality, or control is placed with a lot owner's association.

## **ARTICLE 10 - PERFORMANCE GUARANTEES{ TC \1 "ARTICLE 13 - PERFORMANCE GUARANTEES}**

### **Section 1. Performance Guarantee Required**

The Final Plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement. *(Revised 11-2-2010)*

A. Performance guarantees may be tendered in one of the following forms:

1. Certified check payable to the Town of Camden; or
2. Savings account passbook issued in the name of the Town of Camden; or
3. Irrevocable letter of credit from a financial institution acceptable to the Planning Board; or
4. Faithful performance bond running to the Town of Camden and issued by a surety company licensed to do business in the State of Maine; or
5. Sufficient deed to the Town of Camden for a lot or lots within the subdivision.

B. Except for the form of guarantee described in paragraph A, (5) above, the amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the street grading, paving, storm drainage, utilities, and other similar improvements, as specified in the Final Plan. The guarantee given in the form of land, as described in paragraph A(5) above, shall carry an appraised market value of 150 percent of the cost of the proposed improvements. All guarantees shall be conditioned upon the completion of all such improvements within two years from the date of the approval of the Final Plan, as recorded on the subdivision plat, with extensions to this deadline only as permitted in Article VIII of this Ordinance. If a performance guarantee as described in paragraph (a) above has been satisfactorily filed with the Town, building permits may be issued for construction within the subdivision prior to completion of required improvements, but prior to occupancy of a building or dwelling unit, the improvements serving that building or dwelling unit shall be in place and serviceable.

### **Section 2. Release of Guarantee**

The Planning Board shall not grant a partial release of guarantee. The entire performance guarantee shall be released by the Planning Board upon the request of the developer only after:

A. The Board receives the certifications of completion required in Article 9.

B. The developer has furnished the Town with an accurate record plan and profile (which may be the original reproducible drawing with corrections, provided the Town has been provided with a print of the unaltered original as approved by the Planning Board) of all streets, including drainage line and appurtenances, sanitary sewerage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed, with sufficient ties for proper identification.

C. The developer has presented to the Town Manager a petition for the laying out and acceptance as a town way of the dedicated streets in the subdivision or portion thereof for which release of the performance guarantee is sought.

## **ARTICLE 11 - WAIVERS**

### **Section 1. Submission Requirements**

The Planning Board may waive submission requirements of this Ordinance that are not applicable to a proposed subdivision, provided the waiver is submitted at the preapplication stage of review and approved by a vote of no less than 3 members.

### **Section 2. Waiver of Design Guidelines**

The Board may waive design guidelines of this Ordinance when it finds that the need for the waiver is due to the unique circumstances of the property and that the circumstances are beyond the control of the developer, provided:

- A. any request for waivers shall be provided in writing prior to final approval;
- B. the developer has submitted clear and convincing documentation that the waiver requested is necessary and appropriate for the proposed subdivision;
- C. written statements from the appropriate Town departments address the possible effects of the requested waiver on the public health, safety, and welfare.
- D. the Board notifies abutters and holds a public hearing on the requested waivers.
- E. at least 5 members of the Board are present and 4 members of the Board approve the waiver; and
- F. such waiver will not have the effect of nullifying the intent and purpose of the comprehensive plan, land use ordinances of Camden, or Title 30-A MRSA Section 4404;

### **Section 3. De Minimis Variations**

The Board may permit de minimis variations from the strict application of the design standards of this Ordinance when the Board finds that the need for the variation is due to the unique circumstances of the property and that the circumstances are beyond the control of the developer. All such variations shall be approved by at least 4 members of the Board.

### **Section 4. Conditions**



In granting waivers or modifications, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or modified

**ARTICLE 12 - REVISIONS TO APPROVED PLANS{ TC \11  
"ARTICLE 9 - REVISIONS TO APPROVED PLANS}**

**Section 1. Minor Field Change**

Any revision to a previously approved plan shall be submitted to the Town Planner/CEO for review. Minor field changes that do not alter lot lines or affect the approval criteria, may be made with the approval of the Planner/CEO, who shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be submitted to the CEO. (See Article 9, Section 2)

**Section 2. Amendment**

If the Planner/CEO determines that the revision requires approval of the Planning Board, an application for a Subdivision Amendment shall be submitted. The Planner/CEO shall provide notice to the owners of any lots abutting the proposed revision. A proposed amendment is not required to go through the complete review process unless in the judgment of the Planning Board, the amendment alters the character of the originally approved subdivision. In the event that an amended final plan is recorded without complying with this requirement, it shall be considered null and void.

**Section 3. Submissions { TC \12 "9.2 Submissions}**

The developer shall submit one (1) 24" x 36" mylar and nine (9) 24" x 36" copies of the proposed amendment. The application shall also include the appropriate supporting information to allow the Board to make a determination that the proposed revision meets the standards of this Ordinance and the criteria of 30-A M.R.S.A. §4404, as such may be amended from time to time. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the original name of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

**Section 4. Scope of Review{ TC \12 "9.3 Scope of Review}**

The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and the impacts and effects of such changes.

## **ARTICLE 13 – APPEALS**

{ TC\11 "ARTICLE 15 - APPEALS}

### **Section 1. Appeals to Superior Court{tc "15.1 Appeals to Superior Court."}**

An aggrieved party may appeal any decision of the Board under this ordinance to Knox County Superior Court, within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

### **Section 2. Appeal of Preliminary Plan**

In the event that a developer is aggrieved by a decision of the Board to deny preliminary plan approval or to grant preliminary plan approval subject to conditions, the developer may appeal that decision to the Knox County Superior Court within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

### **Section 3. Appeal of Final Plan Denial**

In the event that a developer is aggrieved by a decision of the Board to deny final plan approval or to grant final plan approval subject to conditions, the developer may appeal that decision to the Knox County Superior Court within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

## **Appendix A**

### **Preapplication Plan Submission Requirements – Minor or Major[DL10]**

Some of the following submission requirements may not be applicable to minor subdivisions.

#### **1) Application**

- a) Nine copies of the application and any supporting documents.
- b) Evidence of right, title or interest in the property.
- c) All existing deed restrictions, easements, right of ways or other encumbrances.

#### **2) Site Inventory Map**

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, showing the following:

- a) Proposed name of the development, north arrow, scale and date.
- b) Boundaries of the parcel based upon town tax maps or a standard boundary survey if available and the number of acres.
- c) Tax maps and lot numbers of the parcel(s) to be divided.
- d) Major natural features of the site, including steep slopes, wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, or other important natural features.
- e) Vegetative cover conditions according to general cover type.
- f) Ridgelines and watershed boundaries.
- g) Geologic formations including rock outcrops, cliffs, etc., based upon published data or more detailed on-site analysis.
- h) Soils as shown in the “Soil Survey of Knox and Lincoln Counties Maine.
- i) Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, etc.
- j) Locations of all known historically or archaeologically significant buildings or sites within or adjacent to the subdivision.
- l) Location and size of existing utilities or other improvements servicing the site.
- m) Potential sources of fire protection water supply within one-half mile of the site including public water mains, existing or proposed fire ponds.
- n) Septic system locations for each lot or unit, if applicable.

#### **3. Site Analysis**

Nine (9) copies of a brief narrative describing the existing conditions, the proposed development, the required open space potential and the constraints and opportunities created by the site. The narrative shall include a description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances. The narrative shall also describe any preliminary studies concerning traffic, marketing, wetlands, etc

**(Appendix A – continued)**

**4. Conceptual Sketch Plan**

Nine copies of a Conceptual Sketch Plan at the same scale as the Site Inventory Map, highlighting the opportunities and constraints of the site. For greater clarity, the Board may request that the Site Inventory Map and Conceptual Sketch Plan be presented in two (2) separate plans. The plan shall show the proposed layout of lots and roads. This plan shall be prepared with the assistance of professionals who have appropriate expertise to enable the Board to determine:

- 1) Which areas are well suited for proposed uses and which are not suitable;
- 2) Which areas are suitable for on-site sewage disposal if public sewer is not available;
- 3) Which areas have potential open space value (scenic areas, aquifers, streambed corridors, wildlife habitat, natural drainage courses, farmland, significant forest stands, and land abutting existing public open spaces, etc.); and
- 4) Which areas may be subject to off-site conflicts or concerns such as noise, lighting, traffic.

**5. Waivers**

- a) Written requests for any waivers from Minor Subdivision or Major Subdivision submission requirements. See Appendices B, C, and D.
- b) Written requests for any waivers of design guidelines in Article 8, Approval Standards.

## **Appendix B**

### **Minor Subdivision Final Plan Submission Requirements**

#### **1) Application**

- a) Nine copies of the application and any supporting documents.
- b) A copy of the most recently recorded deed for the parcel.
- c) Proposed deed restrictions, easements, right of ways or other encumbrances.
- d) A written statement from the Camden Wastewater Superintendent that the District has the capacity to collect and treat the wastewater, or:
- e) Subsurface wastewater test pit analyses, prepared by a Licensed Site Evaluator.
- f) A written statement from the water company that there is adequate supply and pressure for the subdivision and a statement approving the design of any extension of the water main.
- g) A written statement from the Fire Chief that water supply needs for fire protection have been adequately met and approving the location of any fire hydrants.
- h) When the water supply is private wells, evidence of adequate ground water supply and quality by a well driller or a hydro geologist familiar with the area.
- i) Agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners.
- j) If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
- k) If the subdivision is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met, including bylaws and that all other requirements of the Camden Zoning Ordinance pertaining to clustered development have been met. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the subdivision after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public roads.
- l) Cost of the proposed subdivision and evidence of financial capacity to complete the project.
- m) A performance guarantee meeting the requirements of Article 10.

#### **2) State and Federal Permits**

Copies of the following applications when applicable:

- a) Maine DEP permit(s)
- b) Maine DHS permit(s) if public water system
- c) Maine DHS permit(s) if engineered subsurface wastewater disposal system.
- d) Army Corps of Engineers if Section 404 permit required

**(Appendix B – continued)**

- e) Maine DOT Traffic Movement Permit and/or High- way Entrance/Driveway Access Permit The Board may require a letter from the various agencies verifying if their regulations do or do not apply.
- f) Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures if required.

**3) Location Map**

The location map shall be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the surrounding area. The map shall show all areas within 1,000 feet of any property line of the proposed subdivision, including:

- a) Existing subdivisions in the proximity of the proposed subdivision.
- b) Locations and names of existing streets.
- c) Zoning boundaries and designations.
- d) Outline of the proposed subdivision and owner's remaining contiguous land.

**4) Final Plan**

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the site inventory map. The following requirements may be shown on multiple sheets when necessary.

- a) A standard boundary survey with bearings and distances, showing the entire parcel and all contiguous land in common ownership within the last five years per MRSA Title 30-A, Section 4401.
- b) Name, registration number and seal of the land surveyor, architect, engineer or similar professional who worked on the plan.
- c) Names of record owners for all abutting properties.
- d) Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
- e) A storm water plan showing ditches, culverts, catch basins, detention or retention areas, etc.
- f) Location of all proposed utilities, including electrical, cable, water and sewer.
- g) Boundaries and designations of zoning districts.
- h) Existing streets abutting the subdivision.
- i) Boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map.
- j) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.

**(Appendix B – continued)**

- k) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, the location of all test pits on the site.
- l) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, including but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- m) Location of any open space to be preserved and a description of proposed improvements and its management.
- n) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- o) Provisions for controlling erosion and sedimentation, including measures to capture sediment during construction and measures to stabilize the soil.
- p) Location and method of disposal for land clearing and construction debris.
- q) Lots and blocks within the subdivision numbered in accordance with local practice.
- r) Street names and address numbers.
- s) Permanent monuments at all outside corners of the subdivision tract and survey pins at all lot corners.

**5) Recording Plan**

See Appendix K.



## **Appendix C**

### **Major Subdivision Preliminary Plan Submission Requirements**

#### **1) Application**

- a) Nine copies of the application and supporting documents.
- b) A copy of the most recently recorded deed for the parcel.
- c) All existing deed restrictions, easements, rights of ways, or other encumbrances.
- d) Proposed deed restrictions, easements, right of ways or other encumbrances.
- e) A written statement from the Camden Wastewater Superintendent that the District has the capacity to collect and treat the wastewater, or:
- f) Subsurface wastewater test pit analyses, prepared by a Licensed Site Evaluator.
- g) A written statement from the water company that there is adequate supply and pressure for the subdivision and a statement approving the design of any extension of the water main.
- h) A written statement from the Fire Chief that water supply needs for fire protection have been adequately met and approving the location of any fire hydrants.
- i) When the water supply is private wells, evidence of adequate ground water supply and quality by a well driller or a hydro geologist familiar with the area.
- j) A written statement from the director of the Midcoast Solid Waste Facility that the proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.
- k) Agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners are to be maintained.
- l) If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- m) Vehicular trip generation rate.
- n) Traffic impact analysis by a registered P.E. for 28 or more parking spaces or subdivisions projected to generate more than 140 vehicle trips per day, including expected ADT, peak-hour volumes, access conditions, distribution of traffic, types of vehicles expected, effect on LOS and recommended improvements.
- o) Left lane study analysis for multi-family or non-residential subdivisions, if required.
- p) If the subdivision is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met, including bylaws and that all other requirements of the Camden Zoning Ordinance pertaining to clustered development have been met. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the subdivision after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public roads

**(Appendix C - continued)**

#### **2) Location Map**

The location map shall be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the general surrounding area. The map shall show all areas within 1,000 feet of any property line of the proposed subdivision, including:

- a) Existing subdivisions in the proximity of the proposed subdivision.
- b) Locations and names of existing streets.
- c) Zoning boundaries and designations.
- d) Outline of the proposed subdivision and owner's remaining contiguous land.

### **3) Preliminary Plan**

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the site inventory map. The following requirements may be shown on multiple sheets when necessary.

- a) A standard boundary survey with bearings and distances showing the entire parcel and all contiguous land in common ownership within the last five years per MRSA Title 30-A section 4401.
- b) Names of record owners for all abutting properties.
- c) Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
- d) A storm water plan showing ditches, culverts, detention or retention areas.
- e) Location of all proposed utilities, including electrical, cable, water and sewer.
- f) Boundaries and designations of zoning districts.
- g) Existing streets abutting the subdivision.
- h) Boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map.
- i) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- j) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, the location of all test pits on the site.
- k) Location of any open space to be preserved and a description of proposed improvements and its management.
- l) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- m) Provisions for controlling erosion and sedimentation, including measures to capture sediment during construction and measures to stabilize the soil.

**(Appendix C – continued)**

- n) Location and method of disposal for land clearing and construction debris.
- o) Location, name and widths of existing streets.

**4) Street Design Plans**

Detailed construction drawings showing a plan view, profile, and typical cross-section of proposed street. The plan view shall be at a scale of no more than 1-inch equals 50-feet. The vertical scale of the profile shall be 1-inch equals no more than 5-feet. The plans shall include the following information:

- a) Width and location of all streets proposed by the developer, including edge of right of way, edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.
- b) Typical street cross-sections specifying materials, thickness and crowning.
- c) Location, size, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
- d) Complete curve data shall be indicated for all horizontal and vertical curves.
- e) Turning radii at all intersections.
- f) Centerline gradients.
- g) Traffic control devices, such as stop signs and cross walks.
- i) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, including but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- j) Proposed locations of driveways.

**5) Additional Information**

The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:

- a. High Intensity Soil Survey by a Registered Soil Scientist.
- b. Hydro geologic assessment for a subdivision not served by sewer and if any part of the subdivision is over a sand and gravel aquifer.
- d. Hydro geologic assessment if the average density is more than one dwelling unit per 100,000 sq. ft.
- e. Hydro geologic assessment if the Board determines potential adverse impacts on ground water quality.

## **Appendix D**

### **Major Subdivision Final Plan Submission Requirements**

#### **1. Application**

- a) Nine copies of the application and any supporting documents.
- b) Cost of the proposed subdivision and evidence of financial capacity to complete the project.
- c) A performance guarantee meeting the requirements of Article 10.

#### **2. State and Federal Permits**

Prior to submittal of the Final Plan application, the following approvals shall be obtained where applicable:

- a) Maine DEP permit(s)
- b) Maine DHS permit(s) if public water system
- c) Maine DHS permit(s) if engineered subsurface wastewater disposal system.
- d) Army Corps of Engineers if Section 404 permit required
- e) Maine DOT Traffic Movement Permit and/or High- way Entrance/Driveway Access Permit The Board may require a letter from the various agencies verifying if their regulations do or do not apply.
- f) If required, confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures.

#### **3. Final Plan**

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the Preliminary Plan. The following requirements may be shown on multiple sheets when necessary:

- a) The name, registration number and seal of the land surveyor, architect, engineer or similar professional who worked on the plan.
- b) Lots and blocks within the subdivision numbered in accordance with local practice.
- c) Street names and address numbers.
- d) Permanent monuments at all outside corners of the subdivision tract and survey pins at all lot corners.

#### **4. Additional Information**

The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:

- a) Erosion and sedimentation control plan.
- b) Storm water management plan.
- c) Phosphorous impact analysis and control plan.

#### **5. Recording Plan**

See Appendix

## Appendix E

### Public and Private Road Dimensional Requirements Residential Districts

Access Category	Private Roads Only				Public Roads			
	Low Volume		Medium Volume		High Volume			
Traffic Volume	1 - 50 ADT		51 - 100 ADT		101 - 400 ADT		401+ ADT	
Zoning District	R/GR	V/VE	R/GR	V/VE	R/GR	V/VE	R/GR	V/VE
Minimum Right of Way	40'	40'	40'	40'	50'	50'	50'	50'
Minimum Traveled Way Width	16'	16'	18'	18'	18'	20'	20'	20'
Minimum Shoulder Width (each side)*	1'	1'	1'	1'	2'	1'	2'	2'
Clear Zone Width	7'	7'	7'	7'	7'	7'	8'	8'
Minimum Grade	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Maximum Grade **	10%	10%	10%	10%	10%	10%	8%	8%
Minimum Centerline Radius	100'	100'	100'	100'	100'	100'	140'	140'
Roadway Crown Asphalt Surface	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.
Roadway Crown Aggregate Surface	.5"/ft.	NA	.5"/ft.	NA	.5"/ft.	NA	.5"/ft.	NA
Minimum Internal Sight Distance	155'	155'	155'	155'	155'	155'	155'	155'
Minimum Internal Spacing Standards***	25'	25'	25'	25'	25'	25'	25'	25'
Min. Internal Access to St. Corner Clearance****	30'	30'	30'	30'	30'	30'	30'	30'
Minimum Access Width	14'	14'	22'	22'	22'	22'	22'	22'
Minimum Curb Radius	10'	10'	15'	15'	15'	15'	15'	15'
Minimum Corner Clearance - Unsignalized	75'	75'	100'	100'	100'	100'	100'	100'
Minimum Corner Clearance - Signalized	125'	125'	125'	125'	125'	125'	125'	125'
Minimum Site Distance	10' for each mile per hour							

\*The Board may require an increase in shoulder width for storm water management purposes.

\*\*May be exceeded for a length of 100'.

\*\*\*Measured from the edge of one internal subdivision access to another.

\*\*\*\*Measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

ADT = Average Daily Traffic. A single family residence = 10 ADT

## Appendix F

### Public and Private Road Dimensional Requirements Commercial Districts

Access Category	Private Roads		Public Roads	
	Low Volume	Medium Volume	High Vol.	
Traffic Volume	1-50 ADT	51-100 ADT	101-400 ADT	401+ ADT
Minimum Right of Way	40'	40'	50'	50'
Minimum Traveled Way Width	16'	18'	20'	20'
Minimum Shoulder Width (each side)*	1'	1'	1'	2'
Clear Zone Width	7'	7'	7'	8'
Minimum Grade	0.50%	0.50%	0.50%	0.50%
Maximum Grade**	10%	10%	10%	10%
Minimum Centerline Radius	100'	100'	100'	140'
Roadway Crown Asphalt Surface	.25'	.25'	.25'	.25'
Roadway Crown Aggregate Surface	NA	NA	NA	NA
Minimum Internal Sight Distance	155'	155'	155'	155'
Minimum Internal Spacing Standards***	25'	25'	25'	25'
Min. Internal Access to St. Corner Clearance****	30'	30'	30'	30'
Minimum Access Width	14'	22'	22'	22'
Minimum Curb Radius	10'	15'	15'	15'
Minimum Corner Clearance - Unsignalized	75'	100'	100'	100'
Minimum Corner Clearance - Signalized	125'	125'	125'	125'
Minimum Site Distance	10' for each mile per hour			

\*The Board may require an increase in shoulder width for storm water management purposes.

\*\*Maximum grade may be exceeded for a length of 100 feet.

\*\*\*Internal spacing distances are measured from the edge of one internal subdivision access to another.

\*\*\*\*Measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

ADT = Average Daily Traffic. A single family dwelling = 10 ADT

**Appendix G**  
**Minimum Access Spacing**

<b>MPH of External Road</b>	<b>Low Volume</b>	<b>Medium Volume</b>
35 or less	none	none
40	175	175
45	265	265
50	350	350
55	525	525

## Appendix H

### Road Construction Specifications

#### Minimum Pavement Materials Thickness

Street Materials	Thickness Standard
Aggregate Sub base Course (max. size stone – 6")	
Without base gravel	18"
With base gravel	15"
Crushed Aggregate Base Course (if necessary)	3"
Hot Bituminous Pavement (compacted)	
Total Thickness	4"
Surface Course	1 ½"
Base Course	2 ½"
Surface Gravel (if permitted)	3"

\*\*\*\*\*

#### Aggregate Sub base Grading Requirements

Sieve Designation	Percentage By Weight
Passing Square Mesh	
¼ inch	25-70%
No. 40	0-3-%
No. 200	0-7%

#### Base Course Grading Requirements

Sieve Designation	Percentage ByWeight
Passing Square Mesh	
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

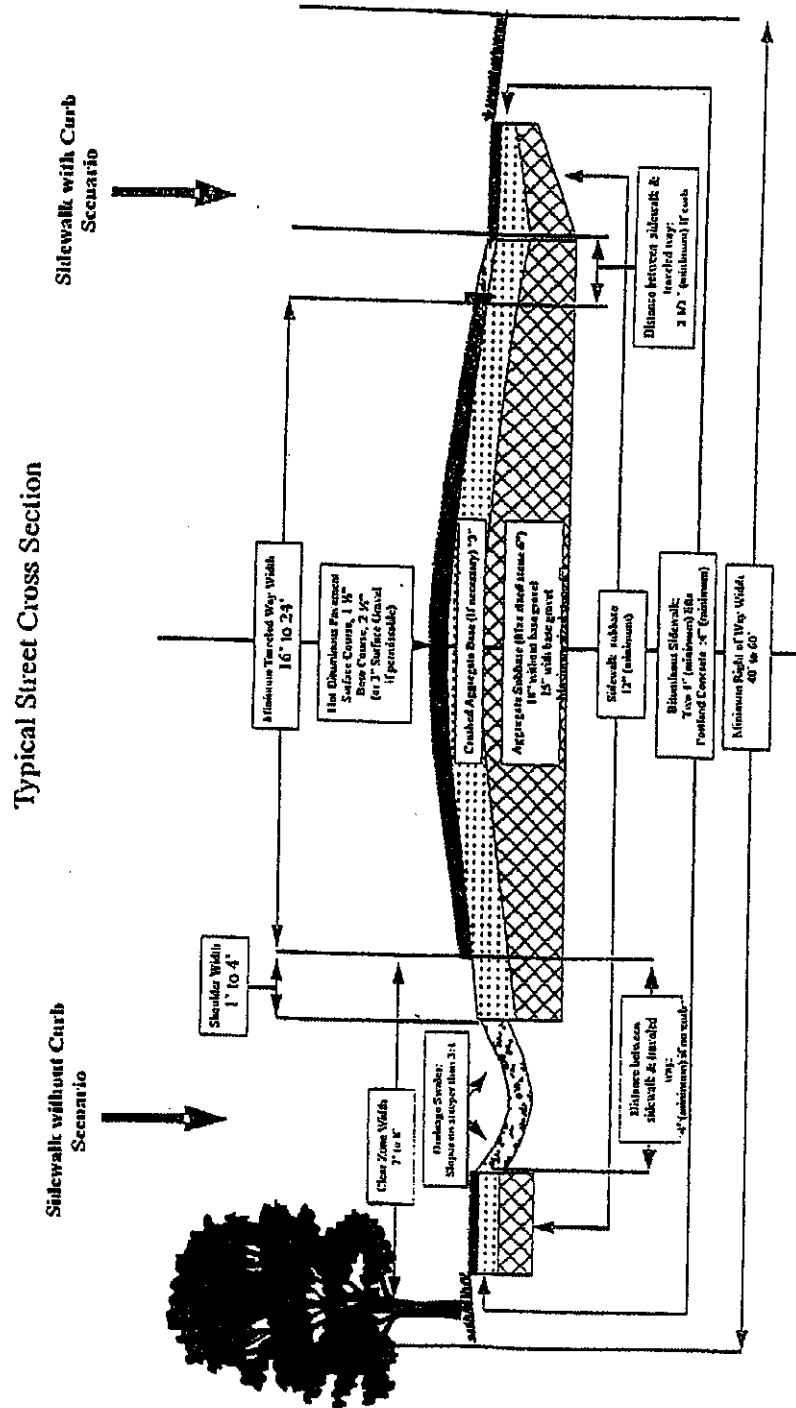
#### Surface Gravel Grading Requirements

Sieve Designation	Percentage By Weight
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%



## Appendix I

### Typical Street Cross Section



## **Appendix J**

### **Schedule of Street Construction Inspections**

No water main, storm drain, catch basin, utility installation, road or any other item of work designated for inspection, shall be backfilled or paved until inspected (see Article 9).

#### **Required Inspections:**

1. Road bed inspection following initial excavation but prior to backfilling.
2. Drainage inspection following installation of drain pipe, culverts, catch basins and all related construction but prior to backfilling.
3. Water installation inspection as required by the public utility.
4. Underground utilities inspection following installation of electric, telephone and cable television in roadway but prior to backfilling.
5. Finished base course inspection following application, grading and compaction of gravel.
6. Pavement inspection during and upon completion.
7. Final inspection following completion of roads, permanent bench marks, curbing, berming, walkways, grading, seeding and cleanup.

## **Appendix K**

### **Recording Plan Requirements**

The Recording Plan shall show only the information relevant to the transfer of an interest in the property including:

1. The proposed name of the subdivision or identifying title, the name of the municipality, and the assessor's map and lot number.
2. The names and addresses of the record owner, developer, and individual or company who prepared the plan, and adjoining property owners.
3. The date the plan was prepared, north point, and graphic map scale.
4. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
5. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
6. The layout of lots, existing and proposed easements, streets including the location, names, and present widths of existing streets, and required open spaces. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
7. The location of wetlands and vernal pools.
8. The location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.
9. The recording plan shall include space for the approval of the Planning Board including a signature block, a record of any waivers granted from the submission requirements or approval standards, any conditions of approval imposed by the Planning Board, the net residential acreage calculation, and any other pertinent notes or information. The recording plan shall not include information on topography, grading, site improvements, water and sewer facilities, drainage improvements, and the like. This information should be contained in the Subdivision Plan and related documentation.
10. The following note shall appear on the recording plat of every plan:

"The property shown on this plan may be developed and used only as depicted on this approved plan and as depicted on all final plans and specifications submitted by the applicant in support of the application. No changes whatsoever are permitted unless approved as a minor field change by the Town Planner/CEO or as an amendment by the Planning Board."

## Appendix L

### Storm Water Management System Maintenance Agreement

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by and between \_\_\_\_\_ and the Town of Camden, Maine.

The project name is \_\_\_\_\_.

The location is \_\_\_\_\_, Camden, Maine.

Tax Maps \_\_\_\_\_, Lots \_\_\_\_\_.

The project is shown on a plan entitled “\_\_\_\_\_,” dated \_\_\_\_\_, most recently revised \_\_\_\_\_, approved by the Camden Planning Board on \_\_\_\_\_, and recorded in the Knox County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

WHEREAS, the approval of the project includes a storm water maintenance system which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the project the Town of Camden requires that periodic maintenance be performed on the storm water management system;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the project by the Town and the agreement of \_\_\_\_\_ to maintain the storm water management system, the parties hereby agree as follows:

1. \_\_\_\_\_, for itself, and its successors and assigns, agrees to the following:
  - a) To inspect, maintain, and clean the storm water management system, including, to the extent they exist, parking areas, catch basins, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment in the system;
  - b) To repair any deficiencies noted during the annual inspection;
  - c) To provide a summary report on the inspection, maintenance, and repair activities performed annually;
  - d) To allow access by Town personnel for inspecting the storm water management system for conformance with these requirements.
  - e) To create a homeowner’s association for the purpose of maintaining the storm- water management system.
2. Upon creation of the homeowner’s association, the association shall become responsible for compliance with the terms of this maintenance agreement.

3. This agreement shall constitute a covenant running with the land, and \_\_\_\_\_ shall reference this agreement in all deeds to lots and/or units within the development.

WITNESS:

\_\_\_\_\_ By: \_\_\_\_\_  
 \_\_\_\_\_ Its \_\_\_\_\_

TOWN OF CAMDEN, MAINE

WITNESS:

\_\_\_\_\_ By: \_\_\_\_\_  
 \_\_\_\_\_ Its \_\_\_\_\_

STATE OF MAINE

KNOX COUNTY, ss:

\_\_\_\_\_ , 20\_\_  
 Personally appeared the above-named \_\_\_\_\_, the  
 \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the  
 foregoing Declaration to be his/her free act and deed in his/her said capacity.

Before me,

\_\_\_\_\_  
 Notary Public / Attorney at Law

\_\_\_\_\_  
 Print Name

STATE OF MAINE

KNOX COUNTY, ss:

\_\_\_\_\_ , 20\_\_  
 Personally appeared the above-named \_\_\_\_\_, the  
 \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the  
 foregoing Declaration to be his/her free act and deed in his/her said capacity.

Before me,

\_\_\_\_\_  
 Notary Public / Attorney at Law

\_\_\_\_\_  
 Print Name

## **Appendix M**

### **General Procedure for Planning Board Applications**

#### **1. Agendas:**

Applications received by 4:00 PM, on the date specified under Site Plan Review or Subdivision Review, will be placed on the Planning Board agenda in the order that they are received. All public hearings are scheduled at the beginning of the agenda.

The Planning Board has established a policy that after 8:30 PM, the Board will not begin a new agenda item. The Board will not deliberate on any application past 9:00 PM. Remaining agenda items will be moved to the next agenda. The Planning Board may consider holding a special meeting to complete the agenda.

#### **2. Number of Copies:**

At least nine copies of all submissions shall be submitted under Site Plan Review and Subdivision Review.

#### **3. New Submissions:**

Revised plans and other supporting documents that are submitted between Board meetings, shall be mailed to Planning Board members, at the applicant's expense, so that they are received at least seven days prior to the meeting. At least two additional copies shall be mailed or delivered to the town office so that it is received at least seven days prior to the meeting. Applicants who fail to meet these deadlines will not be heard. No new submissions by the applicant will be accepted at the Planning Board meeting except for minor submissions, such as brief letters, if approved by the Planning Board at the prior meeting. Letters from the public will be accepted if submitted by noon, on the Monday that precedes the meeting.

#### **4. Labeling and Dating of Submissions:**

All submission lists shall clearly indicate those items being submitted at the time. All revised plans and other supporting documents shall have original and revision dates. Revised plans and documents shall include a list of specific changes.